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PATENT
0649-0804P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant:	Itsuo FUJIWARA et al.	Conf.:	5333
Appl. No.:	09/960,328	Group:	1752
Filed:	September 24, 2001	Examiner:	Chea
For:	PHOTOTHERMOGRAPHIC MATERIAL		

LETTER SUBMITTING EXECUTED DECLARATION UNDER 37 CFR 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

JAN 2 8 2004

Sir:

Further to the Amendment filed January 20, 2004, attached hereto is an executed Declaration under 37 C.F.R. § 1.132 which should be made of record in the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By _____
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MSW/sh
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Group 1752

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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DECLARATION UNDER 37 C.F.R. 1.132

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Yasuhiro YOSHIOKA, state as follows:

1. I am an inventor of the subject matter of the above-identified application.

2. I graduated from Tokyo University with a Master's Degree in Chemistry from the Faculty of Science in 1980. I have been employed with Fuji Photo Film Co., Ltd. since April of 1980 and I am involved in research relating to black and white photothermographic material at the Ashigara Research Laboratories of Fuji Photo Film Co.

In order to demonstrate the unexpected effect asserted in the response to the prior Office Action (i.e., the remarkable effect obtained by using the oxazoline compound) filed November

13, 2002, I have conducted the following experiments under my supervision and control.

I initially wanted to assert the effect obtained by using the claimed oxazoline compound as compared to the use of mercuric acetate as described in the working example of Hirabayashi. However, the Examiner should readily understand that I cannot currently conduct any experimentation using a mercury compound. Thus, I have tested the effect of the present invention with a sample without an oxazoline compound, another sample with an oxazoline compound within the scope of claim 1 and another sample with an oxazoline compound within the scope of claim 2.

The cited reference (Hirabayashi) is not equivalent to and does not suggest the present invention. Even if the description of Koyama (which is different in its technical field and in the effect of the oxazoline compound) is taken into consideration, the teachings thereof cannot be expected to improve the image storage storability by using an oxazoline compound in photothermographic materials.

The same procedure as in sample 101 of Example 1 of the present application (which is herein incorporated by reference) was performed except that the dispersion was prepared and added in

the manner described below in order to prepare each of samples 1 to 5. The same evaluations as in Example 1 were conducted for the samples.

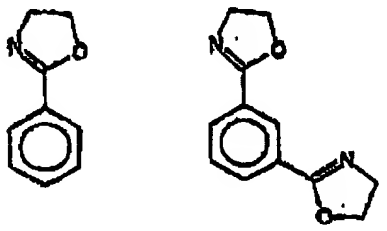
Dispersion A

A slurry was prepared by adding and thoroughly mixing 35 g of water with 20 g of Compound A of the present invention, 40 g of 10% by weight aqueous solution of modified poly(vinyl alcohol) (Poval MP203 of Kuraray Co., Ltd.), and 5 g of 20% by weight aqueous solution of sodium triisopropylnaphtharenesulfonate. In a vessel of a 1/16 gallon sand grinder mill, the slurry was charged together with 240 g of zirconia beads having an average diameter of 0.5 mm, and dispersed at 1500 rpm for 15 hours. The beads were separated with a mesh, the dispersion was filtered through a filter with a pore size of 3 μm. 20 % Dispersion A was obtained.

Compound B, C or D shown below was dispersed in the same manner as above to obtain Dispersion B, C or D, respectively.

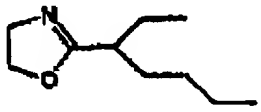
The thus obtained results are shown in the following table.

Sample No.	Oxazoline Compound	Coated Amount (g/m^2)	Dmin	ΔDmin	Remarks
1	-		0.17	0.36	Comparison
2	A	1.0	0.16	0.30	Comparison
3	B	1.0	0.16	0.23	Invention
4	C	1.0	0.18	0.29	Comparison
5	D	1.0	0.18	0.21	Invention

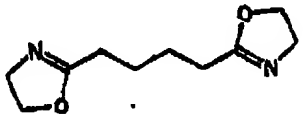


A

B



C



D

Accordingly, the present invention is unexpectedly superior to what is expected in the art.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that

such willful false statements may jeopardize the validity of the application or any patent issued thereon.

23 day of January, 2004
Date

Signature

Yasuhiro Yoshioka

Yasuhiro YOSHIOKA

Title